

1  
2  
3 BILL NO. G-77-02- 27. (be amended)

4 *7-1-77*  
5 GENERAL ORDINANCE NO. G- 07-77

6 AN ORDINANCE PROHIBITING PERFORMANCES  
7 OR SHOWS COMMONLY KNOWN AS CARNIVALS  
8 OR FAIRS IN CERTAIN AREAS OF THE CITY  
9 OF FORT WAYNE, INDIANA AND PRESCRIBING  
10 A PENALTY FOR THE VIOLATION THEREOF.

11 WHEREAS, the conduct, operation or exhibition of performances  
12 and shows commonly known as Carnivals or Street Fairs being shows  
13 which are set up in temporary structures cause traffic con-  
14 gestion, noise, glaring lights, and other public disturbances  
15 to residential areas of the City; and

16 WHEREAS, said conduct, operation or exhibition of  
17 performances disturb the peace and quietude of neighbor-  
18 hoods where people dwell.

19 NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL  
20 OF THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. It shall be unlawful for any person, firm,  
22 corporation or entity to conduct, operate, or exhibit any  
23 performances or shows commonly known as Carnivals or Street  
24 Fairs within one thousand (1000) feet from a dwelling.

25 SECTION 2. For purposes of this Ordinance the terms  
26 "person", "firm", "corporation", or "entity" shall not include  
27 a regularly organized church or school, *or community organization*, so long as the said  
28 performances or shows are held entirely on church or school  
29 property.

30 SECTION 3. For purposes of this Ordinance dwelling  
31 is defined as a building or portion thereof, used primarily  
32 as a place of abode for one or more human beings, but not  
33 including hotels, lodging houses or boarding houses or  
34 tourist homes.

35 SECTION 4. Any person, firm, corporation or entity  
36 whether as principal, agent, owner, lessee, tenant, contractor  
37 or otherwise who violates any provision of this Ordinance shall

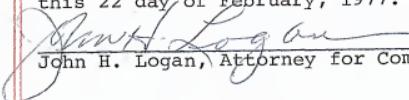
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3 be guilty of a misdemeanor and upon conviction shall be punished  
4 by a fine of not less than Fifty Dollars (\$50.00) nor more  
5 than Three Hundred Dollars (\$300.00) for each offense. Each  
6 day of the existence of any violation of this Ordinance shall  
7 be a separate offense.

8 SECTION 5. If any part, parts, provision, clause or  
9 portion of this Ordinance shall be adjudged invalid or  
10 unconstitutional, such invalidity or unconstitutionality shall  
11 not affect the validity or constitutionality of any other part  
12 of this Ordinance.

13 SECTION 6. This Ordinance shall be in full force and  
14 effect from and after its passage by the Common Council,  
15 approval by the Mayor and legal publication thereof.

16   
17 Vivian G. Schmidt  
18 Councilman

21 Approved as to form and legality  
22 this 22 day of February, 1977.

23   
24 John H. Logan, Attorney for Common Council

25 

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

DATE: 2-22-77

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (YEA) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>6</u>	<u> </u>	<u> </u>	<u>3</u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HINGA</u>	<u>A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HUNTER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>MOSES</u>	<u>A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>NUCKOLS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT, D.</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHIMDT, V.</u>	<u>A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 3-8-77

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) ( GENERAL ) ( ANNEXATION ) ( SPECIAL ) ( APPROPRIATION ) ORDINANCE ( RESOLUTION ) No. 8-01-77 on the 8th day of March, 1976.

ATTEST: ( SEAL )

Charles W. Westerman

CITY CLERK

PRESIDING OFFICER

John Nuckols

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of March, 1976, at the hour of 2:00 o'clock P. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 14th day of March, 1976, at the hour of 2:00 o'clock P. M., E.S.T.

Robert E. Armstrong  
MAYOR

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

DATE: \_\_\_\_\_ CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote: *Person, firm, corporation, entity or  
Community association.*

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>6</u>	<u> </u>	<u> </u>	<u>3</u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HINGA</u>	<u>A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HUNTER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>MOSES</u>	<u>A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>NUCKOLS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT, D.</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHIMDT, V.</u>	<u>A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: \_\_\_\_\_ CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1976.  
ATTEST: \_\_\_\_\_ (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

MAYOR

Bill No. G-77-02-27 (As Amended)

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
PROHIBITING PERFORMANCES OR SHOWS COMMONLY KNOWN AS CARNIVALS OR FAIRS IN  
CERTAIN AREAS OF THE CITY OF FORT WAYNE, INDIANA AND PRESCRIBING A PENALTY  
FOR THE VIOLATION THEREOF

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt  
Chairman

DSchmidt

3-18-77  
CONCURRED IN  
DATE  
CHARLES W. WILHELM, CITY CLERK



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

March 15, 1977

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of March 18 and March 25, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. G-77-02-29  
General Ordinance No. G-08-77

Bill No. G-77-02-27  
(As Amended)  
General Ordinance No. G-07-77  
Carnival Ordinance

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,  
*Charles W. Westerman*

Charles W. Westerman  
City Clerk

CWW/ne





Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

127

Body number of lines

2

Number of lines

129

Total number of lines in notice

## ARGES

lines, 1 columns wide equals 129 equivalent lines at .259¢  
per line

33.44  
34.91

charge for notices containing rule or tabular work (50 per cent of above)

1.00

34.91

extra proofs of publication (50 cents for each proof in excess of two)

## TOTAL AMOUNT OF CLAIM

## NG COST

9.9  
single column **X** items

Size of type 5 $\frac{1}{2}$  point

2 insertions 2

Size of quad upon which type is cast 5 $\frac{1}{2}$ 

ision and penalties of Ch. 89, Acts 1967.

The foregoing account is just and correct, that the amount claimed is legally due, after allowing all just  
rt of the same has been paid.

*Arville De Told*

Title

CLERK

19.77

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the  
undersigned ARVILLA DE TOLD who, being duly sworn, says  
that she is .

CLERK JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published  
in the English language in the city of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy,  
which was duly published in said paper for 2 time 8, the dates of publication being  
as follows:

3/28-25/77

*Arville De Told*

Subscribed and sworn to before me this 25th day of March, 1977

Notary Public

My commission expires September 28, 1979

COPY OF  
MENT HERE

14th day of March, 1977

2:00 o'clock P.M., E.S.T.

Charles W. Westerman/Clerk

City Clerk

Passed and adopted by the Common  
Council of the City of Fort Wayne, Indiana, as General Ordinance  
No. G-67-27 on the 9th day of March, 1977, at the hour  
of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman/Clerk

City Clerk

Approved and signed by me this

14th day of March, 1977, at the hour  
of 2:00 o'clock P.M., E.S.T.

Robert E. Armstrong/Clerk

City Clerk

Presented by me to the Mayor of  
the City of Fort Wayne, Indiana, on  
the 9th day of March, 1977, at the hour  
of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman/Clerk

City Clerk

Approved and signed by me this

14th day of March, 1977, at the hour  
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Approved and signed by me this

1

Common Council of Fort Wayne  
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

129 lines, 1 columns wide equals 129 equivalent lines at .259¢

33.41  
\$ 34.91

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 34.91

## DATA FOR COMPUTING COST

9.9

Width of single column ~~xx~~emsSize of type  $5\frac{1}{2}$  point

Number of insertions 2

Size of quad upon which type is cast  $5\frac{1}{2}$ 

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arville DeWald*

Date March 25, 1977

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
ALLEN County }Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLE DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:

3/28-25/77

Subscribed and sworn to before me this 25th day of March, 1977

Notary Public

My commission expires September 28, 1979